

Change of Zone 05026A

ORDINANCE NO. _____

1 AN ORDINANCE amending the Apple's Way Planned Unit Development to
2 adjust setbacks and the maximum height in the B-2 Planned Neighborhood Business Area, on
3 property generally located at S. 66th Street and Highway 2, and legally described as a portion of
4 Outlot E, Country Meadows, and Lots 36, 88, 123, 155, and 156 I.T., all located in Section 16,
5 Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 1. This approval adjusts front yard setbacks in the B-2 to 0' except along Highway 2
8 which retains a 175' setback to parking and a 200' setback to buildings as measured from the
9 Highway 2 centerline, adjust the required rear yard from 50' to 30' when abutting a residential
10 district and adjusts the maximum allowed height from 40' to 52' to accommodate architectural
11 features.

12 2. If any final plat on all or a portion of the approved planned unit development is
13 submitted five (5) years or more after the approval of the planned unit development, the city
14 may require that a new planned unit development be submitted, pursuant to all the provisions of
15 section 26.31.015. A new planned unit development may be required if the subdivision
16 ordinance, the design standards, or the required improvements have been amended by the city,
17 and as a result, the planned unit development as originally approved does not comply with the
18 amended rules and regulations.

19 3. Before the approval of a final plat, the private roadway improvements, sidewalks,
20 sanitary sewer system, water system, drainage facilities, land preparation and grading,
21 sediment and erosion control measures, storm water detention/retention facilities, drainageway
22 improvements, street lights, landscaping screens, street trees, and street name signs, must be

1 completed or provisions (bond, escrow or security agreement) to guarantee completion must be
2 approved by the City Law Department. The improvements must be completed in conformance
3 with adopted design standards and within the time period specified in the Land Subdivision
4 Ordinance.

5 4. The Planning Director may approve final plats after the Permittee signs an
6 agreement that binds the Permittee and Permittee's successors and assigns:

7 to complete the paving of all public streets and private roadways shown on the
8 final plat within two (2) years following the approval of this final plat.

9 to complete the installation of sidewalks along both sides of all interior streets
10 and private roadways as shown on the final plat within four (4) years following the
11 approval of the final plat.

12
13 to complete the public water distribution system to serve this plat within two (2)
14 years following the approval of the final plat.

15 to complete the public wastewater collection system to serve this plat within two
16 (2) years following the approval of the final plat.

17 to complete the enclosed public drainage facilities shown on the approved
18 drainage study to serve this plat within two (2) years following the approval of the
19 final plat.

20 to complete land preparation including storm water detention/retention facilities
21 and open drainageway improvements to serve this plat prior to the installation of
22 utilities and improvements but not more than two (2) years following the approval
23 of the final plat

24 to complete the installation of private and private street lights within this plat
25 within two (2) years following the approval of the final plat.

26 to complete the planting of the street trees along all streets and along Highway 2
27 within four (4) years following the approval of the final plat.

28 to complete the planting of the landscape screen along Highway 2 within this plat
29 within two (2) years following the approval of the final plat.

30 to complete the installation of the street name signs within two (2) years following
31 the approval of the final plat.

32 to complete any other public or private improvement or facility required by
33 Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a
34 timely manner which inadvertently may have been omitted from the above list of
35 required improvements.

1 to submit to the Director of Public Works a plan showing proposed measures to
2 control sedimentation and erosion and the proposed method to temporarily
3 stabilize all graded land for approval.

4 to complete the public and private improvements shown on the Planned unit
5 Development.

6 to retain ownership of or the right of entry to the outlots in order to maintain the
7 outlots and private improvements on a permanent and continuous basis and to
8 maintain the plants in the medians and islands on a permanent and continuous
9 basis. However, the subdivider may be relieved and discharged of this
10 maintenance obligation upon creating, in writing, a permanent and continuous
11 association of property owners who would be responsible for said permanent and
12 continuous maintenance. The subdivider shall not be relieved of such
13 maintenance obligation until the private improvements have been satisfactorily
14 installed and the documents creating the association have been reviewed and
15 approved by the City Attorney and filed of record with the Register of Deeds.

16 to continuously and regularly maintain the street trees along the private roadways
17 and landscape screens.

18 to submit to the lot buyers and home builders a copy of the soil analysis.

19 to pay all design, engineering, labor, material, inspection, and other improvement
20 costs including any costs for any improvements in Highway 2 required to allow
21 turning movements into this site.

22 to comply with the provisions of the Land Preparation and Grading requirements
23 of the Land Subdivision Ordinance.

24 to protect the trees that are indicated to remain during construction and
25 development.

26 to properly and continuously maintain and supervise the private facilities which
27 have common use or benefit, and to recognize that there may be additional
28 maintenance issues or costs associated with providing for the proper functioning
29 of storm water detention/retention facilities as they were designed and
30 constructed within the development, and that these are the responsibility of the
31 land owner.

32 to relinquish the right of direct vehicular access to Highway 2 except as shown.

33 5. Before receiving building permits:

34 a. The permittee shall have submitted a revised and reproducible final plan
35 and the plans are acceptable:

36 b. The construction plans shall comply with the approved plans.

37 c. Final plats shall be approved by the City.

- 1 6. The following conditions are applicable to all requests:
- 2 7. Before occupying the dwelling units and commercial buildings all development
- 3 and construction shall have been completed in compliance with the approved plans.
- 4 8. All privately-owned improvements shall be permanently maintained by the owner
- 5 or an appropriately established owners association approved by the City Attorney.
- 6 9. The site plan accompanying this permit shall be the basis for all interpretations of
- 7 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar
- 8 matters.
- 9 10. This ordinance's terms, conditions, and requirements bind and obligate the
- 10 permittee, its successors and assigns.
- 11 11. The City Clerk shall file a copy of the ordinance approving the permit and the
- 12 letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in
- 13 advance.
- 14 12. The site plan as approved with this resolution voids and supersedes all
- 15 previously approved site plans, however all resolutions approving previous permits remain in
- 16 force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor